IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

FAMILY COURT APPEAL NO.6 OF 2005.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri S.R. Mishra for the petitioner.

Shri Y.S. Bhate for the respondent.

CORAM : R.M. S. KHANDEPARKAR AND
ANOOP V. MOHTA, JJ.

DATE : 13.06.2005

. Heard the learned advocates for the parties. Perused the record. The appellant challenges the impugned order to the extent it rejects the contention about the payment for purchase of flat/room No. 1506 in building No.38,ground floor, Samata Co-Op. Housing Society, Andheri (West), Mumbai. Perused the impugned judgment as

well as the evidence on record which apparently discloses the clear admission on the part of the appellant that the amount which was invested for the purpose of suit property was withdrawn from the account of the respondent in Dena Bank Andheri. It is therefore, obvious that the room was purchased out of the money belonging to the respondent and therefore, no fault can be found with the impugned judgment and order rejecting the claim of the appellant that he is the exclusive owner of the suit property. On the contrary,the evidence on the record clearly disclose that flat/room was purchased out of the amount belonging to the respondent and therefore, there is no case for interference in the impugned judgment and order as the

impugned order is not challenged on any other grounds. The impugned order does not deserve interference and therefore, the appeal is liable to be dismissed and accordingly is dismissed with no order as to cost.

(R.M.S.KHANDEPARKAR, J.)

(ANOOP V.MOHTA,J.]